Use of vallams.

49 *MR. P. S. MOHAMED: Will the Government be pleased to state:

(a) whether they have come to know the following use of vallams—

(i) vallams that are used for transport on hire;

(ii) vallams that are used for the transport of goods of the owners of the vallams who built or purchased the vallams for their commercial purposes; and

(b) if the answer to the above is in the affirmative, the number of vallams belonging to the item (ii) that have been brought under the commandeered vallams?

MR. T. K. GOPALAN NAIR: (a) (i) & (ii) No statistics have been collected in the matter. A vallam falling under class (i) at one time may fall under class (ii) at another time.

(b) No information is available.

Complaints of Vallam owners.

50 *MR. P. S. MOHAMED: Will the Government be pleased to state whether complaints were made to the Additional District Magistrate on Special Duty on Transport against his police subordinates stating that those subordinates have been troubling the vallam owners in respect of vallams which were not in the register of commandeered vallams?

MR. T. K. GOPALAN NAIR: No such complaints have been received.

MR. M. K. MOHAMED (*Kunnatnad* cum *Parur*): May I know whether the Government have received any representation from the Navikathozhilali Sangam about this matter?

MR. T. K. GOPALAN NAIR: No.

Seizure and detention of vallams.

51 *MR. P. S. MOHAMED: Will the Government be pleased to state:

(a) the number of seizure and detention of vallams in the canals and lakes of Shertalai and in the canals and lakes in and near Alleppey made for shortage of food-grains loaded in the vallams;

(b) the system now going on in loading and unloading food-grains in vallams; and

(c) whether a police constable is deputed for the supervision of the vallams in which food-grains were loaded for transport?

MR. T. K. GOPALAN NAIR: (a) As the period for which the information is required is not specified it is not possible to give a definite answer.

(b) Foodgrain bags are weighed and loaded in vallams in the presence of the boatman and the escorting constable. Unloading is also done likewise.

(c) Police constables escort vallams carrying Government food-grains.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. P. UDAYABHANU: May I know whether these boats are released when the shortage, if any, is made good by the owner or by the boatmen?

MR. T. K. GOPALAN NAIR: The boatman is primarily responsible to pay for the shortages. The owner has got a vicarious liability to pay. The boats are released in the above circumstances.

MR. K. A. MATHEW (*Tiruvalla*): If the policeman accompanies the boatmen?

MR. T. K. GOPALAN NAIR: He will be liable if he also connives at pilfering.

MR. K. A. MATHEW: If the policemen are there to look after the vallams, why should the boat-owners be vicariously responsible?

MR. K. G. KUNJUKRISHNA PILLAI (*Advocate General*): On a point of law.

PRESIDENT: Points of law are not answered on the floor of the House (laughter).

MR. A. P. UDAYABHANU: My question is whether the boats will be surrendered if the loss is made up by some body-the boatman or the boat-owner?

MR. T. K. GOPALAN NAIR: The boat will be released if either the owner or the boatman or anybody interested will pay up the dues for the shortages.

MR. A. P. UDAYABHANU: Is it the boatmen who suffer?

MR. T. K. GOPALAN NAIR: The boatmen and the owners are all liable; because the boatman takes it and attests in the list when the weighment is taken and is responsible for the stock.

MR. A. P. UDHAYABHANU: My question is not about the boatmen. You are really punishing the boat-owner and not the boatmen even when your man is accompanying the boats.

MR. T. K. GOPALAN NAIR: In some cases the boatmen will pilfer without the knowledge of the policeman who is accompanying him.

PRESIDENT: Order, Order; The question is whether the State or the public should loose-whether the policeman is responsible for the pilfering or the boatman or the boat-owner. So far as the State and the public are concerned, whoever has pilfered or is responsible for the pilfering, they will try to make good. The public or the State should not suffer when we are investing the responsiblity on the policemen. It might happen that the policeman or the boatman or the boat-owner is the thief.

MR. S. SANKARANARAYANAN TAMPI (*Karunagapalli* cum *Karthikapalli*): May I know whether it is the policy of Government to indiscriminately realise any loss sustained by Government irrespective of as to who is responsible?

PRESIDENT: The policy of the Government is to make good the loss from whoever is liable. It may be on some occasions Government goes wrong and it may be the liability of A or B who may have to suffer on account of the mistake of Government, but the State should not suffer on account of the shortage of rice.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. K. CHELLAPPAN PILLAI (*Mavelikara* cum *Kunnattur*): Is the owner given notice of his liability earlier?

PRESIDENT: A deputation of boatmen waited on me. The Inspector-General of Police made certain representations to me. I told all of them that it did not matter twopence to the Government, who were responsible and that they will get the rice irrespective of all these matters. But their mutual obligations and responsiblities are a different matter.

MR. S. SANKARANARAYANAN TAMPI: May I know whether the owner of the vallam has any responsibility in the matter after it is commandeered by the Government?

PRESIDENT: Yes. When complaints are made that such and such a person is not doing his duty properly it is open to Government to change him.

MR. S. SANKARANARAYANAN TAMPI: May I know whether it is the Government that the boatman serves or the owners of the vallams?

MR. T. K. GOPALAN NAIR: The owners.

PRESIDENT: To commandeer a vallam is only one method of regulating the use of properly. Commandeering does not transfer property from the boat owner to the Government. Government merely says "this boat will be used in such and such a way".

The ownership does not go from the owner to the Government. If boat owners do not wish to conduct their business on this basis Government can take the necessary steps.

MR. S. SANKARANARAYANAN TAMPI: Has the boat owner any right over the vallam or the boatmen?

MR. T. K. GOPALAN NAIR: The owner has got a right over the boatman because he is his nominee or agent.

MR. S. SANKARANARAYANAN THMPI: May I know whether there are not instances where vallams alone are commandeered and not the boatmen?

MR. T. K. GOPALAN NAIR: Then this question does not arise.

MR. S. SANKARANARAYANAN TAMPI: Has it been brought to the notice of Government that even in cases where vallams alone are commandeered, loss is realised from owners.

PRESIDENT: I must have received literally thousands of petitions but there has not been one petition of the nature indicated by the honourable member.

MR. S. SANKARANARAYANAN TAMPI: Does any conception of legal liability.....?

PRESIDENT: No legal question can be asked on the floor of the House.

MR. K. M. PAUL (*Muvattupuzha* cum *Devicolam*): If the owner and boatman are both liable what is the necessity for the police?

PRESIDENT: For the purpose of great precaution.

MR. K. T. MICHAEL (*Changanacherry* cum *Peermade*): May I know whether previous information of this condition was given to the boat owners when the boats were commandeered?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. T. K. GOPALAN NAIR: When commandeering is done notices are issued that the boats are commandeered.

MR. K. T. MICHAEL: May I know whether this condition that the owners will be liable for the loss has been intimated to the owners?

MR. T. K. GOPALAN NAIR: Boat owners are aware of this fact when the boats are commandeered.

MR. K. K. CHELLAPPAN PLILAI: May I know how much money has been realised by Government by such unwarranted action?

PRESIDENT: It is firstly misleading and secondly it does not arise.

Detained vallams.

52 *MR. P. S. MOHAMED: Will the Government be pleased to state:

(*a*) whether they know that the vallams seized and detained for shortage of goods have been deteriorating for want of proper care and use; and

(*b*) the number of vallams under such seizure and detention at present?

MR. T. K. GOPALAN NAIR: (*a*) No such instance has been brought to notice.

(*b*) Does not arise in view of the answer to (a).

Boats Commandeered.

53 *MR. P. S. MOHAMED: Will the Government be pleased to state the number of boats that were commandeered from the taluk of Shertalai?

MR. T. K. GOPALAN NAIR: It is not possible to give the information as the period for which it is required has not been specified in the question.

Release of boats from commandeering.

54. *MR. P. S. MOHAMED: Will the Government be pleased to state:

(*a*) the number of petitions sent from Shertalai taluk for the release of boats from commandeering; and

(*b*) the number of petitions for exemption of boats from commandeering (from Shertalai taluk)?

MR. T. K. GOPALAN NAIR: (*a*) and (*b*) It is not possible to furnish information since the period for which it is required is not specified in the question.

Cooly for loading and unloading foodgrains.

55. *MR. P. S. MOHAMED: Will the Government be pleased to state:

(*a*) whether they give cooly contract for loading and unloading foodgrains by inviting tenders in open competition; and

(*b*) whether such competition will not ultimately affect the wages of coolies and consequently create confusion among the workers?

MR. T. K. GOPALAN NAIR: (*a*) Yes.

(*b*) No such instances have been reported.

LIBRARY ARCHIVES Kerala Legislative Assembly